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JMS/CMC/cb  
June 2, 2009

PATENT APPLICATION  
DOCKET NO. 1159.1004-005

**NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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**JUN 02 2009**

Applicants: Steven A. Bogen and Herbert H. Loeffler  
Application No.: 09/702,298 Group: 1797  
Filed: October 31, 2000 Examiner: Lyle Alexander  
Confirmation No.: 3668  
For: Automated Slide Stainer with Slide Housing (As Amended)

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>JUNE 2, 2009</u> Date	<u>[Signature]</u> Signature
<u>CHRISTINE A. BULL</u> Typed or printed name of person signing certificate	

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Commissioner for Patents  
P.O. Box 1450  
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Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 2, 2009 of the Examiner finally rejecting claims 3 to 18. The item(s) checked below are appropriate:

1. ☐ Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated [ ] for [ ] month(s) from [ ] to [ ].
2. ☐ A [ ] month extension of time to respond to the Office Action Made Final dated [ ] was filed on [ ] with payment of a \$[ ] fee.  
☐ Applicant hereby petitions for an additional [ ] month extension of time to respond to the Office Action Made Final.

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## 3. Fees are submitted for the following:

<input type="checkbox"/>	Extension of Time for [ ] month(s)	\$[ ]
<input type="checkbox"/>	Additional Extension of Time:	
	Fee for Extension ([ ] mo.)	\$[ ]
	Less fee paid ([ ] mo.)	- \$[ ]
	Balance of fee due	\$[ ]
<input checked="" type="checkbox"/>	Notice of Appeal	\$540
<input type="checkbox"/>	Other	\$[ ]
TOTAL		\$540


## 4. The method of payment for the total fees is as follows:

- ☐ A check in the amount of \$[ ] is enclosed.
- ☒ Please charge Deposit Account No. 08-0380 in the amount of \$540.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

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Dated: 6/2/9